

**REMARKS**

Independent Claim 53 has been retained for purposes of this filing. Claims 75-89 have been added. No new matter has been added by the above amendments.

Applicants specifically point out that the above amendments are NOT in response to a rejection of any or all claims by the Patent and Trademark Office. Claim 53 has been amended, and claims 75-89 added, to direct the application to specific types of Exchange Traded Funds and related activities. As such claims 8, 52, and 54-74 were cancelled in a good faith effort to expedite the prosecution of this application and allow the Assignee to enforce its rights as soon as possible.

Applicants enclose with this Preliminary Amendment a fee calculation sheet along with a check for the amount due. The Commissioner is hereby authorized to charge payment of any deficiency in these fees to Deposit Account No. 23-0280. A duplicate copy of this sheet is enclosed for that purpose.

In accordance with 37 C.F.R. 1.121, Applicants attach hereto one (1) sheet containing those mark-ups corresponding to the claim 53 amendments.

It is submitted that the currently pending claims are in condition for allowance. Should the Examiner having any issues or concerns, the undersigned respectfully requests a telephonic or personal interview.

Respectfully submitted,

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**CERTIFICATE OF MAILING (37 C.F.R. § 1.8a)**

I hereby certify that this correspondence is, on the date shown below, being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Box Patent Application, Fee, Commissioner For Patents, Washington, D.C. 20231 on

3/13/01

  
Kathleen Rundquist/117368.1

**ATTACHMENT A**

53. (Amended) A method comprising the steps of:

identifying a group of securities;

separating the group of securities into a sector comprising a subset of the group of securities within a substantially similar industry;

creating an open end[ed mutual] fund having a number [class] of outstanding shares and [a portfolio] comprising of the securities within the sector [satisfying a predetermined criteria;

identifying a revised set of securities satisfying the predetermined criteria];

changing the securities comprising the sector;

changing the securities comprising the fund in response to the changing of the securities comprising the sector;

trading the outstanding shares of the fund on an exchange at a real time determined price related to the securities comprising the sector; and

outputting an indication of the real time determined price in a humanly readable format [portfolio in response to the identifying of the revised set of securities;

determining in real time the price of the financial product based on a user-defined method of weighting the securities comprising the portfolio].